



**Comments to the CSTAG  
February 21, 2018**

The Passaic River Community Advisory Group (CAG) appreciates the opportunity to provide comments to the CSTAG regarding the potential interim remedy for the upper nine miles of the Passaic River Superfund cleanup. The CAG has been working on the cleanup since 2009 and consists of a broad spectrum of stakeholders from throughout the region. Our core values center on the protection of public health and the environment and the restoration of the Passaic River to its full environmental, community, economic, and recreational potential. Our full core values are included at the end of this.

We have always worked with EPA to achieve these goals with a spirit of respect and collaboration and approach this input accordingly.

The CAG supports the concept of early action and removal of the major contamination in the river to accelerate the recovery of the river sediments, flora, and fauna. However, we will not support any plan that could undermine the long-term achievement of cleanup levels that are necessary to protect human health and the environment. In 2014, we generally supported EPA's bank-to-bank remedy, though recognized key challenges in the long-term monitoring and maintenance of such a remedy and the impacts of a cap on important community interests such as boating and development. We also strongly rejected any sort of hot spot remedy of the lower eight miles, particularly the one being proposed by the CPG at that time.

The CAG discussed this proposed interim remedy approach for the first time at our February 8th meeting. We still have many questions, but have seen enough from EPA to suggest that an interim/expedited approach to cleanup warrants further investigation and discussion. However, it is far too early in the process for the CAG to provide any substantive comments or endorsement of such an approach.

In fact, we believe that this CSTAG process is being conducted far too early in the decision-making process. The endorsement of an interim remedy and the extent and exact approach of such a remedy go hand in hand. The CAG requires more detailed information about, and access to the data inputs and modeling assumptions and results developed by the EPA, before we can develop an informed set of recommendations on the interim remedy proposal. In this case, we've had less than three weeks to review limited data with respect to the proposal, and no time at all to deliberate fully as a CAG.

The CAG looks forward to engaging in a full feasibility study process and being able to weigh in on a range of alternatives including a proposed plan developed independently by EPA. We hope

that the CSTAG is also able to re-engage in the process at such time as they can evaluate EPA's actual proposed plan.

In the meantime, the CAG appreciates the opportunity to share the community's observations, concerns, and questions based on what we know and understand to date. Key issues and topics that frame our comments are as follows:

- We have not yet seen the full set of data that is being used to support this approach, and need more time to truly understand if the rationale for this approach is supported by the data
- It is extremely important that EPA conduct a full decision process and perform due diligence in fully vetting the CPG proposal--in the absence of any other proposals, we are concerned that far too much of this evaluation is built on the specifics of the CPG proposal
- Any RALs must support the full protection of human health and the environment using the most current and up to date information on toxicity of all COPCs
- There must be a robust and transparent process for evaluating the performance of any interim remedy and the identification of any final actions needed to achieve full protection of human health and the environment
- Even with an expedited remedy, final cleanup is a decade or more away and it is important not to rush to an early conclusion on the efficacy of an interim remedy
- Full attention must be paid to all important species in bringing the Passaic River back to a more natural state and the remedy needs to protect marine mammals and species listed under the Endangered Species Act
- The CAG would like to understand NJDEP comments and concerns on the concept of an interim remedy
- EPA needs to work cooperatively with Natural Resource Trustees to explore how natural resource restoration projects can be accelerated along with an expedited cleanup approach.

Key topics and some of our fundamental questions and informational needs are outlined below.

### **Data and Modeling**

The CAG has not yet seen the full set of data or obtained a full understanding of the contamination present in the upper nine miles. EPA has noted that sufficient sediment sampling has been conducted to support an interim remedy decision but that more modeling is necessary to fully understand this part of the river. The conceptual site model we saw was a fairly high level concept, and the CAG would like to have more time to see and explore the details.

- How and when will modelling ultimately be completed?
- Will the interim remedy include additional or enhanced modelling to understand river conditions in its altered state?
- How will modelling results be used in the determination of the performance of the hot spot removal and decision making with regard to the final remedy?

### **Definition of Hot Spots**

The entire premise for identifying hot spots appears to be built on the concept of fines. This may well be accurate, but we have not had access to enough of the evidence to date to fully understand this condition in the upper nine miles.

- Has the EPA done any new sediment core sampling [beyond the 2008 and 2013] in areas, for example, of fine and coarse sediment or in predicted areas of high erosion to corroborate or refute the assumptions of the conceptual model or to confirm the location of assumed hot spots in the river?
- Will any additional conformational sampling occur to support the interim ROD?
- How many total sediment samples do you have for the entire upper 9 miles of the river [used as the basis for extrapolating in the model] in relation to the total number of samples that were collected to characterize the lower 8 miles before coming to a proposed remedy?

### **RALs**

We recognize that there will be an opportunity to evaluate and adjust the interim cleanup. In reality however, something that gets us “close enough” will certainly garner little support for additional action or expense. Therefore, the determination of the RALs at this juncture are extremely important to the community.

- How will varying RAL levels be determined based on human health risk?
- How are RAL levels typically selected for these types of sites?
- Are RALs typically used in interim remedies?
- Is there a precedent for selecting RALs in this manner?

### **Environmental Monitoring and Restoration**

The restoration of the river is of paramount concern to the community. We want to make sure that an interim approach does not result in limited attention to species recovery and natural resource restoration. Conversely, an interim remedy creates the opportunity to accelerate these goals as well.

- Will EPA work with its natural resource partners to explore ways to include restoration work in conjunction with the interim remedy?

### **Monitoring and Final Decision**

Monitoring of an interim remedy takes on added significance as it is essential to determining if interim actions are sufficient or more action must be taken. The CAG will need a more detailed understanding of how such monitoring will be designed and how the final ROD will be approached.

- For example, how was the proposed ten year “natural recovery” period determined?



**PASSAIC RIVER**  
Community Advisory Group

## **PASSAIC COMMUNITY CORE VALUES**

### **Protection of Public Health**

- Design all decisions and activities to protect the health and safety of residents, visitors, and workers.

### **Environmental Protection and Restoration**

- Make all decisions in light of a long-term goal to eventually return the river to a fishable, swimmable condition
- Restore the Passaic to a living river and a viable natural resource, with coordinated short and long-term efforts to conduct wetlands, habitat, and wildlife restoration
- Place a high priority on locating natural resource restoration activities in the local communities that have been directly affected by the long-term pollution of the river
- Protect against cross contamination to air, groundwater, and other environmental media
- Clean sediments to a level that supports the above conditions and limits the potential for recontamination.

### **Economic Benefits**

- Plan and manage activities in order to protect ongoing commercial uses of the river
- Create living wage jobs for local residents to the maximum extent possible
- Engage local businesses in cleanup, restoration, and long-term stewardship activities to the maximum extent possible
- Incentivize and support environmentally sustainable development of waterfront properties
- Recognize the long-term economic value of creating recreational, park, and open space along the river as part of the cleanup and restoration process
- Strike an appropriate balance between sustainable business and river restoration
- Design all new development and redevelopment with the river in mind, creating connections to the river, presenting a useful and attractive front to the river, and taking into account river views and uses.

### **Community Benefits**

- Enhance area aesthetics through river beautification and litter removal
- Protect local culture and heritage
- Preserve and memorialize the decisions and information regarding the CAG in order to take into account, reflect, and help to communicate the history of the community and the river
- Enhance and maintain the positive perception of the local community
- Provide positive physical and societal connections between people and the river
- Engage in ecological education for local residents, and particularly for youth
- Recognize the importance of environmental justice in all decisions and activities.

### **Recreational Opportunities**

- Develop greenways, parkland, recreational opportunities, open space, and natural areas along and connected to the river
- Create convenient, attractive, sustainable, and safe public access for both passive and active recreation along and on the river, including non-motorized boating.

### **Cleanup Process Effectiveness**

- Ensure positive stewardship of the cleanup process by supporting community information, interest, and involvement, and listening to their concerns
- Ensure transparency and effective communication of all cleanup information and openness in information exchange
- Work in partnership with all stakeholders, including the community, to address issues and solve problems
- Expedite and prioritize cleanup decisions and action to realize near-term results for river restoration, access, and use
- Consider the full range of alternatives for cleanup and restoration, maintaining a strong overall focus on the long-term goals for river restoration.